



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:)

Alexander K. Mills)

FOR: **METHOD FOR NONINVASIVE**)
CONTINUOUS DETERMINATION)
OF PHYSIOLOGIC)
CHARACTERISTICS)

SERIAL NO. **10/008,245**)

FILED: **November 7, 2001**)

ART UNIT NO: **3736**)

EXAMINER: **M. J. Kremer**)

Attorney Docket No: **WT-02-004C**)

**Declaration of Ralph C. Francis In Support of Petition
to Accept an Unintentionally Delayed Priority Claim
Under 37 C.F.R. 1.78(a)**

I, Ralph C. Francis, hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and such willful false statements may jeopardize the validity of the application referenced above or any patent issued thereon.

1. On November 7, 2001, the above referenced continuation-in-part application was filed in the USPTO. The application was assigned Attorney Docket No. WT-02-004C; the "C" to reflect that the application was a continuation-in-part of Application No. 09/684,104. The named inventor on the application, which is still pending, is Alexander K. Mills.

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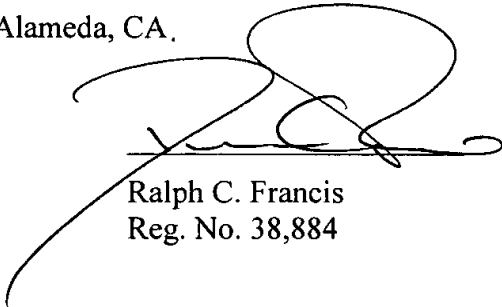
OFFICE OF PETITIONS

2. On the Transmittal Form that accompanied the application, our office inadvertently failed to indicate that the application was a continuation-in-part of then pending Application No. 09/684,104, now U.S. Patent No. 6,537,225. The specification further failed to provide the appropriate reference to the prior filed application, i.e. Application No. 09/684,104. The noted inadvertent errors were unintentional.

3. On or about April 7, 2003, our office received the first substantive Office Action in the subject application. Upon receipt of the Action it was noted, for the first time, that the claim for domestic priority was not submitted with the application or indicated on the specification.

4. The entire delay between the date the priority claim was due, i.e., November 7, 2001, and the date the claim is being submitted was unintentional.

Executed this 15th day of May, 2003 at Alameda, CA.



Ralph C. Francis
Reg. No. 38,884